

FIRST REGULAR SESSION

# SENATE BILL NO. 73

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOFFER.

Pre-filed December 1, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0371S.011

## AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 208, RSMo, is amended by adding thereto one new  
2 section, to be known as section 208.027, to read as follows:

**208.027. 1. The department of social services shall develop a  
2 program to test applicants or recipients, who are otherwise eligible for  
3 temporary assistance for needy families benefits under this chapter, for  
4 the use of a controlled substance whenever a case worker of an  
5 applicant or recipient believes, based on reasonable suspicion, that  
6 such applicant or recipient engages in illegal use of controlled  
7 substances. Any applicant or recipient who is found to have tested  
8 positive for the use of a controlled substance, which was not prescribed  
9 for such applicant or recipient by a licensed health care provider, shall,  
10 after an administrative hearing conducted by the department under the  
11 provisions of chapter 536, RSMo, be declared ineligible for temporary  
12 assistance for needy families benefits for a period of three years from  
13 the date of the administrative hearing decision. The department shall  
14 refer an applicant or recipient who tested positive for the use of a  
15 controlled substance under this section to an appropriate substance  
16 abuse treatment program approved by the division of alcohol and drug  
17 abuse within the department of mental health.**

**18 2. If a parent is deemed ineligible for temporary assistance for  
19 needy families benefits due to the failure of a drug test under this  
20 section, his or her dependent child's eligibility for such benefits shall  
21 not be affected and an appropriate protective payee may be established**

22 for the benefit of the child. If the parent refuses to cooperate in  
23 establishing an appropriate protective payee for the child, the  
24 department shall appoint one.

25         3. The department of social services shall promulgate rules to  
26 develop the provisions of this section. Any rule or portion of a rule, as  
27 that term is defined in section 536.010, RSMo, that is created under the  
28 authority delegated in this section shall become effective only if it  
29 complies with and is subject to all of the provisions of chapter 536,  
30 RSMo, and, if applicable, section 536.028, RSMo. This section and  
31 chapter 536, RSMo, are nonseverable and if any of the powers vested  
32 with the general assembly pursuant to chapter 536, RSMo, to review, to  
33 delay the effective date, or to disapprove and annul a rule are  
34 subsequently held unconstitutional, then the grant of rulemaking  
35 authority and any rule proposed or adopted after August 28, 2009, shall  
36 be invalid and void.

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Bill

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